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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America,)	
Plaintiff,)	
)	
)	
vs.)	Case No. 21-cr-40023-TSH
)	
)	
Richard Oworae,)	
Defendant.)	

BEFORE: The Honorable Timothy S. Hillman

Remote Rule 11

United States District Court
Courtroom No. 2
595 Main Street
Worcester, Massachusetts
September 15, 2021

Marianne Kusa-Ryll, RDR, CRR
Official Court Reporter
United States District Court
595 Main Street, Room 514A
Worcester, MA 01608-2093
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Mechanical Steno - Transcript by Computer

1 APPEARANCES:

2 United States Attorney's Office
3 Danial Bennett, Assistant United States Attorney
4 595 Main Street
Worcester, Massachusetts 01608
on behalf of the Government

5 O'Connor & Ryan
6 Edward P. Ryan, Jr., Esquire
7 80 Erdman Way
Suite 309
8 Leominster, Massachusetts 01453
on behalf of the Defendant

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THE COURT: All right. Great.

1 Mr. Castles, let's swear in Mr. Oworae, please.

2 THE CLERK: Please raise your right hand.

3 Do you solemnly swear the statements you are about to
4 give in the case now before the Court will be the truth, the
5 whole truth, and nothing but the truth, so help you God?

6 THE DEFENDANT: I do.

7 THE COURT: All right. Mr. Oworae, as you know, my
8 name is Judge Hillman. I'm going to be asking you some
9 questions this morning about the guilty plea that I'm told
10 you're prepared to make; but before I do that, I need to
11 explain to you that you have a right to be physically present
12 in an open courtroom with members of your family and your
13 friends and any members of the public who wish to attend, able
14 to come to court; but instead, you are asking me to give up
15 that right and instead appear by video conference. So I need
16 to ask you some questions about that.

17 So the first question I have is: Do you understand
18 that you have a right to be physically present in open court
19 for this change of plea hearing?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: And do you understand that if at any point
22 this morning if you want to talk with Attorney Ryan, all you
23 have to do is just say the word, and we will put you and he
24 into what's called a breakout room where you two will be able
25 to see each other and speak with each other, but no one else

1 will be able to see or hear you?

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: All right. And have you and Attorney Ryan
5 spoken about you giving up your right to appear in person in an
6 open courtroom for your change of plea?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And do you agree to waive, or give up your
9 right to appear in person, for this change of plea hearing?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. Attorney Ryan, any reason you
12 can think of why I should not accept Mr. Oworae's waiver?

13 MR. RYAN: No, none -- none, your Honor.

14 THE COURT: All right. Thank you.

15 I find that Mr. Oworae has knowingly and voluntarily
16 waived his right to appear in person and has instead elected to
17 appear by video conference.

18 I find that he has waived his right to have members of
19 the public attend in person, and to the extent possible appear
20 by video or teleconference.

21 All right. Mr. Ryan, for the record, why are we here?

22 MR. RYAN: This is a change of plea, a Rule 11, your
23 Honor.

24 THE COURT: Thank you.

25 So, Mr. Oworae, Attorney Ryan tells me that you are

1 prepared to plead guilty to these -- to these pending charges.

2 Do you understand that you are now under oath and that
3 if you answer any of my questions falsely you may later be
4 subjected to another prosecution for perjury or making a false
5 statement?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: All right. Tell me your name and how old
8 you are.

9 THE DEFENDANT: I'm Richard Oworae. I'm 60 years old.

10 THE COURT: And, Mr. Oworae, how far did you go in
11 school?

12 THE DEFENDANT: I graduated with a bachelor of arts
13 degree in sociology and political science from the University
14 of Ghana, and I also have a master's of science in nonprofit
15 management from Worcester State University in Massachusetts;
16 and I also have a master's of business administration, that is
17 an MBA from Champlain College, Burlington, Vermont; and I was a
18 candidate for a doctorate of business administration from
19 Wharton University, but I deferred that because -- because of
20 the case.

21 THE COURT: Thank you. And are you a citizen of the
22 United States?

23 THE DEFENDANT: I'm a naturalized citizen of the
24 United States.

25 THE COURT: Okay. Are you presently being treated, or

1 have you recently been treated for any mental illness or
2 psychiatric or psychological problem of any kind?

3 THE DEFENDANT: No.

4 THE COURT: Are you presently being treated, or have
5 you recently been treated, for any drug addiction or drug
6 problem or alcohol problem of any kind?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: As you sit here today, are you under the
9 influence of any medication or drug or alcoholic beverage?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Have you received a copy of the
12 information, that is, the written charges against you?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And you understand that that information
15 charges you with four crimes: the -- you're charged with three
16 counts of wire fraud, and that's alleged to violate 18 United
17 States Code Section 1343; and you're charged with one count of
18 aggravated identity theft, and that's alleged to violate
19 18 United States Code Section 1028A.

20 Are you aware that those are the pending charges
21 against you?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And have you had a chance to fully discuss
24 the facts and circumstances of your case with Attorney Ryan?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: And have you and Attorney Ryan discussed
2 the case rights that you have and the consequences to you of
3 pleading guilty?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: And have you and Attorney Ryan discussed
6 the trial options that the facts of this case represent?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Are you fully satisfied with the advice
9 and the representation that has been given to you in this case
10 by Attorney Ryan?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And do you have any complaints about the
13 manner of his representation?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Okay. So I have been given a document
16 that bears your signature giving up your right to have your
17 case presented to a grand jury.

18 Did you sign that waiver?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And did you have a chance to go over that
21 waiver with Attorney Ryan before you signed it?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: So you should understand that you have a
24 constitutional right to have your case presented to a grand
25 jury to determine whether or not you would be indicted, and

1 that means that the grand jury might indict you, or they might
2 not; but when you give up your right to go to the grand jury,
3 this case will proceed against you on this information that I
4 just talked to you about just as though you had been indicted.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Are you willing to give up your right to
8 indictment by a grand jury and instead proceed by an
9 information?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. Thank you.

12 Now, Attorney Bennett, there is no plea agreement in
13 this?

14 MR. BENNETT: That is correct, your Honor.

15 THE COURT: So it's just a straight-up plea to the
16 information?

17 MR. BENNETT: That's correct, your Honor.

18 THE COURT: Thank you.

19 So has -- Mr. Oworae, has anybody threatened you or
20 promised you anything to get you to plead guilty in this case?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: You're pleading guilty of your own free
23 will because you are guilty and for no other reason?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And you understand that the crimes that

1 you are pleading guilty to are felonies, which means that by
2 being judged guilty of a felony, you may lose valuable civil
3 rights, which includes the right to vote, the right to hold
4 public office, the right to serve on a jury, and the right to
5 possess a gun or any kind of firearm?

6 Do you understand that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And, Attorney Bennett, can you tell myself
9 and the defendant the maximum punishment that the law provides
10 in this case?

11 MR. BENNETT: Yes, your Honor.

12 For Counts One through Three, the wire fraud charges,
13 the maximum term of incarceration is 20 years; the maximum fine
14 is a million dollars, or twice the gross gain or loss,
15 whichever is greater; the supervised release term is a maximum
16 of three years.

17 Your Honor, for Count Four, the aggravated identity
18 theft charge, there is a mandatory minimum two years that must
19 be served consecutive to any term imposed by the Court for
20 Counts One through Three. There's a maximum fine of \$250,000,
21 one year of supervised release. Each count carries -- of the
22 four counts carries a \$100 mandatory assessment for a total of
23 \$400. The government will seek both forfeiture and restitution
24 amounts, and as the -- I believe was covered earlier,
25 Mr. Oworae is a citizen of the United States so there is no

1 consequences that are applicable to this case.

2 THE COURT: And what -- what is the loss -- the loss
3 amount?

4 MR. BENNETT: Your Honor, that's a little bit tricky.
5 The total amount is -- that Mr. Oworae sought to get from
6 the -- from this program was approximately \$195,000. He wasn't
7 successful in getting all of that amount. In fact, we believe
8 that the amount that he had in hand is approximately \$37,000.
9 That's complicated also by an amount that was wired to TD Bank,
10 and that has -- is the subject of an administrative forfeiture
11 action. That amount was successfully frozen. All to say,
12 we'll have a more refined number once those processes play out.
13 At sentencing we'll seek an amount for restitution and
14 forfeiture, but it's a little bit complicated right now.

15 THE COURT: All right. Thank you.

16 So, Mr. Oworae, I'm not saying this is what's going to
17 happen, but you should understand that I will have the power to
18 give you a term of imprisonment on the first three counts of up
19 to 60 years, that's 20 years on each count.

20 Do you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And that I will have the power to give you
23 a fine of up to \$3 million, that's \$1 million on each count;
24 and I will have the power to give you a term of supervised
25 release of up to three years on each count for a total of nine

1 years.

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And with respect to the Count Four, the
4 aggravated identity theft count, I am going to be required to
5 give you a term of imprisonment of two years on and after any
6 sentence that you may get on Counts One through Three.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: And in addition that you will face a fine
10 of up to \$250,000 on that count and a one-year term of
11 supervised release.

12 Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: So do you think you understand all of the
15 consequences to you of pleading guilty, the possible term of
16 imprisonment, the possible fine, the possible supervised
17 release term, and the loss of your civil rights?

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And you understand that in addition to
21 everything else, there's going to be a \$100 special assessment
22 on each count for a total of \$400. There will be either
23 restitution or forfeiture based upon a hearing that we may have
24 in order to determine those amounts.

25 Do you understand that?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: So do you think you understand all of the
3 possible consequences to you of pleading guilty?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. Now, I know that you and
6 Attorney Ryan have spoken about the sentencing guidelines, and
7 I, too, have an obligation to speak with you about them.

8 So these sentencing guidelines have been issued by the
9 sentencing -- United States Sentencing Commission for judges
10 like myself to follow when attempting to determine what the
11 appropriate sentence is in a criminal case. They're not
12 mandatory, which means I don't have to follow them, but I do
13 have to consider them before I arrive at your sentence.

14 So let me ask you: Have you and Attorney Ryan spoken
15 about the sentencing guidelines and how they might apply in
16 your case?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: So do you understand that I'm not going to
19 be able to determine your guideline sentence until after the
20 probation office prepares a report that will contain
21 information about you and your personal history and your
22 criminal history, if you happen to have one, and the crimes
23 that you are alleged to have committed? And this report will
24 also contain a recommended application of the sentencing
25 guidelines. And you're going to -- you and the government will

1 get this report before me, and that is so that you can make
2 sure that all of the facts in it are accurate. You can
3 challenge any facts that you don't think are accurate, and you
4 can challenge the application of the sentencing guidelines.

5 So let me ask you: Do you understand that although I
6 am not required to follow the sentencing guidelines, I do have
7 to consider them before I arrive at your sentence?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: And do you understand that under the
10 guideline system, I may have the authority to depart from the
11 guidelines and impose a sentence that is more severe than what
12 the guidelines call for, or I may depart and impose a sentence
13 that is less severe than what they call for?

14 Do you understand I will have that ability?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And do you understand that you will not be
17 permitted to withdraw your guilty plea because your sentence is
18 longer than you expected, or because you're unhappy with your
19 sentence, or because it may be different than the sentence that
20 counsel is arguing for on your behalf?

21 Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that both you and the
24 government under some circumstances may have the right to
25 appeal any sentence that I impose upon you?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: All right. So let me go through one final
3 set of rights that you give up when you plead guilty, and we
4 will proceed to take your plea.

5 So you should understand that you have a right, as you
6 have done, to plead not guilty to these offenses and go to
7 trial. And at that trial, you would have the right to have
8 your guilt or innocence decided by a jury of 12 members of the
9 community that you would get to help select. And you would
10 have the right to the considerable assistance of Attorney Ryan
11 as counsel for your defense. And you would have the right to
12 see and hear all of the witnesses against you and have
13 Attorney Ryan confront those witnesses on your behalf by
14 cross-examining them.

15 You would also have the right, if you chose to
16 exercise it, to require witnesses to come into court and to put
17 on evidence in your own defense and to testify in your own
18 defense. However, you would also have the right to refuse to
19 testify and refuse to put on evidence, unless you voluntarily
20 elected to do so; and if you decided not to testify or put on
21 evidence, I would instruct the jury that they are not to think
22 anything bad about either you or your case because of these
23 rights that you possess.

24 Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: So do you understand that by pleading
2 guilty today, if I accept your guilty plea, you will have given
3 up your rights to a trial as well as the rights that come with
4 a trial that I have just described?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: All right. Thank you.

7 Mr. Bennett, let's start first with the elements of
8 the crimes the defendant is charged with the government would
9 need to prove.

10 MR. BENNETT: Yes, your Honor.

11 For Counts One through Three, the wire fraud counts,
12 the government would be required to prove each of the elements
13 beyond a reasonable doubt.

14 First, that there was a scheme substantially as
15 charged in the information to defraud or obtain money or
16 property by means of false or fraudulent pretenses.

17 Second, that the scheme to defraud involved the
18 misrepresentation or concealment of material fact or matter or
19 the scheme to obtain money or property by means of false or
20 fraudulent pretenses, involved a false statement assertion,
21 half-truth, or knowing concealment concerning a material fact
22 or matter.

23 Third, that the defendant knowingly and willfully
24 participated in this scheme with intent to defraud.

25 And, fourth, that the purpose of executing this scheme

1 or in furtherance of the scheme, the defendant caused an
2 interstate or foreign wire communication to be used, or it was
3 reasonably foreseeable for the purpose of executing the scheme,
4 or in furtherance of the scheme, an interstate or foreign wire
5 communication would be used on or about the date alleged.

6 For Count Four, your Honor, the aggravated identity
7 theft count, the four elements are:

8 First, that the defendant committed the felony
9 violation alleged in Count Two.

10 Second, that during in and in relation to the felony
11 violation in Count Two that the defendant knowingly
12 transferred, possessed, used a means of identification
13 described in the information without lawful authority.

14 Third, that that means of identification actually
15 belonged to another person.

16 And, fourth and finally, the defendant knew that that
17 means of identification belonged to another person.

18 THE COURT: Thank you, Mr. Bennett.

19 So, Mr. Oworae, you understand that if you had gone to
20 trial those are the elements of the crimes that you are charged
21 with; and in order for you to be convicted of any one of those
22 crimes, the government would need to prove each of the elements
23 of the crime beyond a reasonable doubt to the satisfaction of
24 each of the 12 jurors.

25 Do you understand that?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: All right. Thank you.

3 Attorney Bennett, what are the facts upon which the
4 government would rely were this case to go to trial?

5 MR. BENNETT: Yes, your Honor. I'll read the factual
6 basis. Just as a warning though, this is a little bit lengthy.
7 I'll do my best to get through it as quickly as possible, but
8 not reading too fast for the court reporter.

9 Your Honor, the factual basis --

10 THE COURT: Take your time. Take your time.

11 MR. BENNETT: Thank you, Judge.

12 As a factual basis for this guilty plea, the
13 government respectfully submits the following: In March of
14 2020, Congress enacted the Coronavirus Aid, Relief, and
15 Economic Security Act, or the CARES Act, a \$2.2 trillion
16 economic stimulus bill.

17 The provision of -- the provisions of the CARES Act in
18 conjunction with an officially declared disaster by the United
19 States Government allowed for the Small Business
20 Administration, or the SBA, to provide federal funding and
21 other support to entrepreneurs and small businesses, including
22 the Economic Injury Disaster Loans, or EIDL, E-I-D-L, to
23 business owners negatively affected by the COVID-19 pandemic.

24 To apply for EIDL funding, meaning Economic Injury
25 Disaster Loans, so to apply for EIDL funding, an applicant used

1 an SBA online portal to submit personal and business
2 information in support of each EIDL application.

3 EIDL applicants generally did not have to submit
4 supporting documentation; however, the EIDL application
5 included a section in which the applicant was required to
6 affirm that the information submitted was true and correct
7 under the penalty of perjury and other applicable federal
8 criminal statutes.

9 To complete the EIDL application, the applicant
10 provided information regarding the affected business entity
11 including, but not limited to, the ownership of the business,
12 the number of employees, and the gross business revenues
13 realized in the 12 months prior to the COVID-19 impact on the
14 national economy.

15 Consistent with congressional intent to assist small
16 businesses during the pandemic, the provisions of the EIDL
17 program required that the loan proceeds could only be used on
18 certain permissible business expenses, which included payment
19 of fixed business debts, payroll, accounts payable, and other
20 business-related expenses that could have -- that could have
21 been paid had the COVID-19 disaster not occurred.

22 The SBA relied upon the information provided by the
23 applicant to calculate the principal amount of money the small
24 business was eligible to receive in the form of EIDL funding.

25 EIDL loan amounts approved by the SBA were calculated

1 based on the business gross revenues and costs of goods sold
2 for the 12 months prior to January 31, 2020.

3 The basic loan amount was intended to cover six months
4 of gross profit, meaning gross profit or -- excuse me --
5 meaning gross revenue minus cost of goods sold.

6 The maximum EIDL loan amount was \$150,000 per entity.
7 The SBA Office of Disaster Assistance controlled the EIDL
8 program, and it's headquartered in Washington, DC. The Office
9 of Disaster Assistance had authority over all loans created and
10 disbursed under the EIDL program. The EIDL principal proceeds
11 and the previously described cash advance grants were solely
12 funded by the SBA and were disbursed from government-controlled
13 accounts maintained by the U.S. Treasury at Federal Reserve
14 banks throughout the United States.

15 Between July 31, 2020, and at least August 28, 2020,
16 Defendant Richard Oworae schemed to defraud the SBA by
17 submitting three fraudulent applications through the SBA's --
18 SBA's website for EIDL -- EIDLs totaling approximately
19 \$194,700.

20 Mr. Oworae used his personal information and the
21 personal information of his spouse to fraudulently apply for
22 EIDL funding, provide false statements on the loan application,
23 cause interstate wire communications in furtherance of his
24 scheme to defraud the SBA, and to misappropriate loan funds for
25 his personal use and benefit.

1 Your Honor, I'm going to go through the three loans.
2 The first one, loan No. 1, is for the GIMP Management
3 Consultants loan. GIMP spelled G-I-M-P.

4 On July 31, 2020, Mr. Oworae submitted his first
5 fraudulent application for EIDL funding in the amount of 27,800
6 for GIMP Management Consultants, GMC, through the SBA
7 application portal.

8 According to SBA records, the GMC application
9 identified Mr. Oworae as the owner of the business and included
10 Mr. Oworae's actual social security number and date of birth as
11 well as a telephone number and an email address.

12 Mr. Oworae identified the G -- identified GMC as a
13 proprietor -- a proprietorship with a gross revenue for the
14 previous 12-month period of \$55,579.

15 Mr. Oworae is -- was the resident -- was the resident
16 agent for GIMP Management and Tax Consultant, LLC. That's
17 GMTC. That's different from GMC. They're not the same thing.
18 GMTC is a limited liability company formed in Massachusetts on
19 or about August 26, 2020.

20 According to the relevant certificate of organization,
21 GMTC provides tax preparation, investment, cybersecurity, and
22 business management consulting services. GMTC's business
23 address is 65 James Street, Suite 8A, here in Worcester,
24 Massachusetts.

25 GMC, on the other hand, is a fictitious business

1 entity utilizing a variation on the GMTC business name. There
2 are no online records past or present relating to any business
3 operation as GMC, including official state and corporation
4 records, business websites, or other websites relating to GMC.

5 On August 1, 2020, Mr. Oworae electronically signed
6 the loan agreement and note identifying himself on the executed
7 loan agreement as the owner/officer of GMC. As part of the
8 process of executing the signed loan agreement and note,
9 Mr. Oworae acknowledged the loan authorization and agreement
10 which states in pertinent part, quote, all representations in
11 the borrower's loan application, including all supplementary
12 submissions are true, correct and complete and are offered to
13 induce SBA to make this loan, end quote.

14 Following the disbursement of EIDL funds, Mr. Oworae
15 made numerous ATM cash withdrawals, purchases at various
16 merchants, credit card payments, and money transfers to
17 numerous individuals residing in Ghana using a money remitter
18 business based in Tanzania. That's the first loan.

19 On to the second loan, which is the U.S. Postal
20 Services EIDL loan. On August 4, 2020, Mr. Oworae submitted a
21 second fraudulent application for an EIDL loan in the amount of
22 \$82,900 using the business name U.S. Postal Services P&DC
23 through the SBA application portal. Mr. Oworae submitted the
24 U.S. Postal Services P&DC application posing as his wife using
25 her home address, actual social security number, and date of

1 birth, her contact telephone number and her email address.

2 Mr. Oworae used his personal -- his wife's personal
3 identifying information without lawful authority and without
4 her consent in furtherance of this fraudulent loan application.

5 Mr. Oworae identified the type of business as, quote,
6 independent with a gross revenue for the previous 12 months --
7 12-month period of \$165,620.

8 The U.S. Postal Services P&DC application indicated
9 that the business was established on November 11, 2017.

10 Mr. Oworae entered his spouse's social security number
11 as a business EIN/social security number for the sole
12 proprietorship.

13 Like GMC, U.S. Postal Services P&DC is a fictitious
14 business entity. There are no online records, past or present,
15 relating to any business operating as U.S. Postal Services
16 P&DC, including official state and corporation records,
17 business websites, or other websites belonging to U.S. Postal
18 Services P&DC.

19 On August 12, 2020, the SBA wired -- wire transferred
20 \$82,900 to a bank account controlled by Mr. Oworae's wife to
21 which he had access. From this account, Mr. Oworae made
22 numerous ATM cash withdrawals, electronic payments to various
23 bank and department store credit cards, grocery store and
24 gasoline purchases, and other personal expenditures.

25 The next section is the third and final loan. This is

1 the GMTC EIDL loan.

2 On August 10, 2020, Mr. Oworae submitted a third
3 fraudulent application for an EIDL loan in the amount of
4 \$84,000 in the name of GMTC through the SBA application portal.
5 Mr. Oworae submitted the GMTC application as the individual
6 owner of the business using his actual address, social security
7 number, and date of birth, as well as a telephone number and
8 email -- his telephone number and email address. Mr. Oworae
9 identified GMTC as a general partnership with a gross revenue
10 for the previous 12-month period of \$168,000.

11 The GMTC application indicated that the business was
12 established on June 5, 2011.

13 On August 26, 2020, 16 days after the GMTC EIDL loan
14 application was submitted, Mr. Oworae first incorporated GMTC.

15 On August 28, 2020, Mr. Oworae E signed the loan
16 agreement and note electronically identifying himself on the
17 executed agreement as the owner/officer of GMTC. As he did
18 while signing for the GMC and the U.S. Postal Services P&DC
19 loans, Mr. Oworae acknowledged and certified that all of the
20 information contained on the GMTC loan application was true and
21 correct.

22 On August 28, 2020, the SBA attempted to wire transfer
23 \$84,000 unsuccessfully because the bank account Mr. Oworae
24 provided was closed.

25 On August 29, 2020, Mr. Oworae provided a new bank

1 account for the GMTC loan proceeds to be wired, though SBA
2 never disbursed any loan funds to GMTC.

3 That's all, your Honor.

4 THE COURT: Thank you, Mr. Bennett.

5 Mr. Oworae, did you do the things that the United
6 States Attorney said that you did?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you admit that everything that Attorney
9 Bennett just told me is true?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you want to add any facts or subtract
12 any facts or change any of the facts that I've just heard?

13 THE DEFENDANT: Yes. On the company registration that
14 we -- it was G -- GIMP Management and Task Consultancy was a
15 general partnership before it transitioned to company
16 limited -- a limited liability company. So it was in existence
17 before the incorporation.

18 Actually, the business started in 2012. So that was
19 what I -- I just wanted to add.

20 THE COURT: Thank you.

21 All right. Are you pleading guilty because you are
22 guilty and for no other reason?

23 THE DEFENDANT: Come again?

24 THE COURT: Are you pleading guilty because you are
25 guilty and for no other reason?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Attorney Ryan, is there any reason I
3 should not accept this guilty plea or take this guilty plea?

4 MR. RYAN: (Inaudible.)

5 THE COURT: You're muted.

6 MR. RYAN: Yes, I'm sorry.

7 No, your Honor.

8 THE COURT: Thank you.

9 Mr. Castles, you may inquire.

10 THE CLERK: Richard Oworae, on Criminal Action
11 No. 21-40023, you are charged in Counts One, Two, and Three of
12 a four-count information with wire fraud in violation of
13 Title 18 United States Code Section 1343.

14 What say you as to Counts One, Two, and Three, guilty
15 or not guilty?

16 THE DEFENDANT: Guilty.

17 THE CLERK: And you are charged in Count Four with
18 aggravated identity theft in violation of Title 18 United
19 States Code Section 1028A.

20 What say you as to Count Four, guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: All right. Thank you.

23 I find that the defendant is competent and capable of
24 entering into an informed plea. I find that he is aware of the
25 charges against him and the consequences to him of pleading

1 guilty.

2 I find that his guilty plea is freely and voluntarily
3 made and supported by an independent basis in fact containing
4 each of the essential elements of the crimes charged.

5 I, therefore, accept his plea and he is judged guilty
6 of those offenses.

7 How is January 12th at 3:30 for sentencing?

8 Attorney Bennett, does that work?

9 MR. BENNETT: Good for the government, your Honor.

10 THE COURT: And, Attorney Ryan, does that work for the
11 defendant?

12 MR. RYAN: Yes. What time was that, your Honor?

13 THE COURT: 3:30.

14 MR. RYAN: That works.

15 THE COURT: All right. Thank you.

16 So, Mr. Oworae, we're going to see you back here in
17 January. I just want to remind you that -- and I know we've
18 thrown a lot of stuff at you today, but one of the things I
19 want to reinforce is you're going to get this presentence
20 report before me. So spend some time with it, and even minor
21 facts should be corrected, because it affects a lot of things.

22 And we'll see you back here for sentencing in January;
23 and Attorney Ryan will speak with you about this, but you will
24 be given a chance to speak before I -- on your own behalf
25 before I impose sentence upon you.

1 All right, everybody, nice job.

2 Yes, Mr. Bennett.

3 MR. BENNETT: Your Honor, I'm sorry to -- I have two
4 housekeeping things, if I could put on the record.

5 First --

6 THE COURT: Sure.

7 MR. BENNETT: -- we would ask that the time be
8 excluded. There is a prior order from the Court excluding the
9 time through August 12th.

10 I'd ask for that time -- the time from August 12th to
11 today be excluded as well.

12 THE COURT: Any objection to that, Mr. Ryan?

13 MR. RYAN: No, your Honor.

14 THE COURT: All right. That is so ordered.

15 MR. BENNETT: The second thing, your Honor, just so
16 the record is complete and the Court is aware. The Court may
17 know this already. When we initially complained this case,
18 Mr. Oworae was charged along with his wife. We have since
19 dismissed the charge against Mrs. Oworae. I just wanted to
20 make sure that was clear that that had happened and the Court
21 was aware that we had initially charged them. We determined
22 that that was in the best interest and submitted a request to
23 the Court that that be dismissed.

24 THE COURT: Thank you for sharing that.

25 MR. BENNETT: Thank you, Judge.

1 THE COURT: All right, everybody, thank you. We're in
2 recess.

3 MR. RYAN: Thank you, your Honor.

4 (At 10:39 a.m., court was adjourned.)
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C E R T I F I C A T E

I, Marianne Kusa-Ryll, RDR, CRR, do hereby
certify that the foregoing transcript is a true and accurate
transcription of my stenographic notes before the Honorable
Timothy S. Hillman, to the best of my skill, knowledge, and
ability.

/s/ Marianne Kusa-Ryll

11/26/21

Marianne Kusa-Ryll, RDR, CRR

Date

Official Court Reporter